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6 IN THE UNITED STATES DISTRICT COURT

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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

No. CR 00-00505 WHA

v.

CHARLES W. McCALL,

Defendant.

**ORDER RE EVIDENTIARY  
HEARING**

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In his Section 2255 motion, defendant claims that he was denied effective assistance of counsel because his trial counsel failed to sufficiently communicate an informal plea offer by the government. In response, the government claims that no plea offer was made in this case (Opp. at 5). In his traverse, defendant cites to a sworn declaration of one of his trial counsel, Michael J. Shepard, who in an email states that the government had represented to him that they were “okay” with a Rule 11(c)(1)(c) plea agreement (Traverse, Exh. A).

Defendant has requested discovery and an evidentiary hearing. In particular, defendant requests an order directing the government to conduct “a thorough search of its records and to interview all personnel who were in any way involved in the plea discussions summarized herein and to turn over to the defense all documents and information evidencing such discussions or proposals” (Traverse, at 18). Given that defendant’s trial counsel has provided evidence that an informal plea agreement existed, the government is hereby **ORDERED TO SHOW CAUSE BY DECEMBER 17, 2013, AT NOON**, why defendant’s request for discovery should not be granted.

**United States District Court**

For the Northern District of California

1           The Court will consider defendant's request for an evidentiary hearing after an order  
2 regarding discovery has been issued.

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4           **IT IS SO ORDERED.**

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6           Dated: December 10, 2013.

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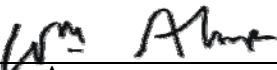
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE